COUNCIL AGENDA: 4-15-14





# Memorandum

**TO:** HONORABLE MAYOR

AND CITY COUNCIL

FROM: Richard Doyle

City Attorney

**SUBJECT: Ordinance Permitting Operation** 

of Small Model Warships

**DATE:** April 3, 2014

#### RECOMMENDATION

Approve an ordinance amending Section 10.32.140 of Chapter 10.32 of Title 10 and Section 13.44.200 of Chapter 13.44 of Title 13 of the San Jose Municipal Code to permit the operation of model warships armed with low-velocity gas or compress-air projectile launchers at times and locations designated by the City.

## **OUTCOME**

The recommended action will allow small model warship activities to occur by permit at times and locations and under conditions set by the Director of PRNS.

### **BACKGROUND**

On March 5, 2014, the Rules Committee directed staff to draft an amendment to the San Jose Municipal Code to allow for model warship activities to take place in the ponds and lakes owned or managed by the City. These model warships are armed with low-velocity projectile launchers that shoot biodegradable pellets.

#### **ANALYSIS**

There are two municipal code sections that currently prohibit this activity from occurring within city limits. San Jose Municipal Code section 10.32.140 prohibits the use of certain projectile weapons within the limits of the City of San Jose. These include slingshots, cross bow, darts, pellets, BB, rock, bolt, and arrow. In addition, Section 13.44.200 prohibits the possession, use or discharge of guns, dangerous instruments and fireworks within city parks. Dangerous instruments are defined to include airgun, pellet gun, spring gun, sling shot, cross bow, bow and arrow.

These code sections specifically exempt archery activities and firing ranges that are controlled by the Director of PRNS or the Police Chief. The proposed ordinance will create an additional exception to these code sections to permit model warships to operate in ponds and lakes owned or managed by the City.

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This ordinance will allow small model warships to operate in ponds and lakes at times and locations permitted by the Director of PRNS. "Small scale model warships" means 1:144 scaled models, or smaller, armed with low-velocity (under 206 FPS (feet per second)) gas or compressed-air projectile launchers. In addition, the Director can impose conditions to protect the public health, safety and general welfare.

#### COORDINATION

The proposed ordinances have been coordinated with the Department of Parks, Recreation and Neighborhood Services and the Police Department.

# **CEQA**

Exempt, CEQA Guideline Section 15061(b)(3), File No. PP14-032.

RICHARD DOYLE City Attorney

By

Elizabeth Klotz

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